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10/538,283	06/10/2005	Paul R. Simons	GB02 0216 US	1867

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EXAMINER	
ZEWARI, SAYED T	
ART UNIT	PAPER NUMBER
2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,283	SIMONS ET AL.	
	Examiner	Art Unit	
	SAYED T. ZEWARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed on 12/22/2008 have been fully considered but they are not persuasive.

2. Applicant's argument is basically the same as previous argument that was answered to. Applicant argues that when the portable device leaves the communication range of station, no leaving time is recorded. This argument is not persuasive because these elements are taught by Radomsky and Horwitz and Yacenda. Radomsky discloses a method/system of tracking the location of a portable device and Horwitz discloses a method/system of time/data stamping data in real time, leaving or coming time. Further, Yacenda also discloses time stamping data.

3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

4. Applicant's argument with respect to providing a reference for claim 18 and 19 is addressed below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4, 6, 8-10, 13, and 15-16 are rejected under 35 U.S.C. 103(a) as being anticipated by Radomsky et al. (US 6,574,482) in view of Horwitz et al. (6,496,806) in further in view of Yacenda et al (US 5,515,426).

With respect to claim 1, Radomsky discloses a method for opportunistically tracking the location of a portable device **(See Radomsky's abstract, see col.1 lines 24-67, col.11 lines 57-67)** in a wireless infrastructure **(See Radomsky's abstract, see figure 1, 5, col.5 lines 7-33 where RF and IR signals implies use of wireless infrastructure)** comprising at least one fixed station operable to communicate wirelessly with said portable device **(See Radomsky's abstract, see figure 1(14-16 IR receivers, and 17 RF receiver), 5, col.5 lines 7-33 where fixed stations communicate with portable devices)**, comprising: the portable device providing its unique device identifier to the station when within communication range of said station **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, generating association data comprising the unique device identifier **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines**

1-7), and uploading said association data via a backchannel **(See Radomsky's figure 1(26), col.3 lines 51-57)** to a remote database wherein said data is stored **(See Radomsky's figure 1(25), col.4 lines 1-19)**. Radomsky discloses everything claimed as applied above to claim 1, except for explicitly reciting that association data comprises time and data of reception of the unique device identifier together with the unique device identifier and the use of time/date stamping incoming data from a device at the fixed station before recording that data into a remote database, and wherein the association data further comprises a leaving time, the leaving time being when the portable device left the communication range of said station. In analogous art, Horwitz discloses a communication system for tracking locations wherein incoming data is time/date stamped in order to provide a real time trail **(See Horwitz' s col.10 lines 36-40).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically time stamping incoming location data as taught by Horwitz for the purpose of enabling the system to track locations in real time **(See Horwitz' s col.4 lines 26-9, col.10 lines 36-39).** Further the combination of Radomsky and Horwitz fail to explicitly recite that association data comprises time and data of reception of the unique device identifier together with the unique device identifier and that the incoming data received from a device is time/date stamped at a fixed receiving station. In analogous art, Yacenda discloses that the incoming data received from a device is time stamped at a fixed receiving station and then recorded in database. The incoming data received from device, is time stamped at a fixed station **(figure 2(10))** before recording at remote database **(figure 1(20)),** for the

purpose of enabling locating an individual in real time as taught Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky and Horwitz by specifically performing the time stamping at the fixed station as disclosed by Yacenda, thereby providing a communication system for tracking locations accurately wherein the incoming data from a device is time/date stamped at a fixed receiving station and then recorded in database, as disclosed by Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).**

With respect to claim 8, Radomsky discloses a system for opportunistically tracking the location of a portable device **(See Radomsky's abstract, see col.1 lines 24-67, col.11 lines 57-67)** having a unique device identifier associated therewith **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, comprising a wireless infrastructure **(See Radomsky's abstract, see figure 1, 5, col.5 lines 7-33 where RF and IR signals implies use of wireless infrastructure)** having at least one fixed station **(See Radomsky's abstract, see figure 1(14-16 IR receivers, and 17 RF receiver), 5, col.5 lines 7-33 where fixed stations communicate with portable devices)**, station receiving means **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57)** for receiving the unique device identifier transmitted by said portable device when within communication range **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, generation means for generating association data comprising the unique device identifier with the location of said station **(See Radomsky's col.4 lines 59-61,**

col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7), and uploading means **(See Radomsky's figure 5, col.5 lines 7-33)** for uploading said generated association data via a backchannel **(See Radomsky's figure 1(26), col.3 lines 51-57)** to a remote database **(See Radomsky's figure 1(25), col.4 lines 1-19)** wherein said data is stored.

Radomsky discloses everything claimed as applied above to claim 8, except for explicitly reciting the use of time/date stamping incoming data from a device at the fixed station before recording that data into a remote database. In analogous art, Horwitz discloses a communication system for tracking locations wherein incoming data is time/date stamped in order to provide a real time trail **(See Horwitz' s col.10 lines 36-40).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically time stamping incoming location data as taught by Horwitz for the purpose of enabling the system to track locations in real time **(See Horwitz' s col.4 lines 26-9, col.10 lines 36-39).**

Further the combination of Radomsky and Horwitz fail to explicitly recite that the incoming data received from a device is time/date stamped at a fixed receiving station wherein the association data further comprises a leaving time, the leaving time being when the portable device left the communication range of said sation. In analogous art, Yacenda discloses that the incoming data received from a device is time stamped at a fixed receiving station and then recorded in database. The incoming data received from device, is time stamped at a fixed station **(figure 2(10))** before recording at remote database **(figure 1(20))**, for the purpose of enabling locating an individual in real time as

taught Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky and Horwitz by specifically performing the time stamping at the fixed station as disclosed by Yacenda, thereby providing a communication system for tracking locations accurately wherein the incoming data from a device is time/date stamped at a fixed receiving station and then recorded in database, as disclosed by Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).**

With respect to claim 13, Radomsky discloses a system further comprising a remote client terminal **(See Radomsky's figure 1(25), col.4 lines 1-19, see additional information: col.3 lines 35-67)** operable to establish a connection with the database **(See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer)**, and wherein said database is operable to supply association data to said client terminal in dependence on the client terminal supplying the unique device identifier **(See Radomsky's figure 1(25), col.4 lines 1-19)**.

With respect to claim 2, Radomsky discloses a method wherein upon receipt of the unique device identifier **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15)** the station transmits said identifier and its station identifier to an infrastructure computer **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57).**

With respect to claim 3, Radomsky discloses the method wherein the infrastructure computer receives said station identifier and said unique device identifier

(See Radomsky's col.4 lines 59-61, col.5 lines 12-15), and generates, association data together with the unique device identifier and the location of the station **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7).** Radomsky discloses everything claimed as applied above to claim 3, except for explicitly reciting the use of time/date stamping incoming data from a device at the fixed station before recording that data into a remote database. In analogous art, Horwitz discloses a communication system for tracking locations wherein incoming data is time/date stamped in order to provide a real time trail **(See Horwitz' s col.10 lines 36-40).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically time stamping incoming location data as taught by Horwitz for the purpose of enabling the system to track locations in real time **(See Horwitz' s col.4 lines 26-9, col.10 lines 36-39).** Further the combination of Radomsky and Horwitz fail to explicitly recite that the incoming data received from a device is time/date stamped at a fixed receiving station. In analogous art, Yacenda discloses that the incoming data received from a device , is time stamped at a fixed station **(figure 2(10))** before recording at remote database **(figure 1(20))**. The incoming data received from device is time stamped at a fixed station for the purpose of enabling locating an individual in real time as taught Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky and Horwitz by specifically performing the time stamping at the fixed

station as disclosed by Yacenda, thereby providing a communication system for tracking locations accurately wherein the incoming data from a device is time/date stamped at a fixed receiving station and then recorded in database, as disclosed by Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).**

With respect to claim 4, Radomsky discloses the method wherein the infrastructure computer inherently uploads said association data to the remote database **(See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer)**.

With respect to claim 6, Radomsky discloses the method wherein a client terminal **(See Radomsky's figure 1(25), col.4 lines 1-19, see additional information: col.3 lines 35-67)** connects with the database **(See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer)**, and wherein said database is operable to supply the association data to said terminal in dependence on the client supplying the unique identifier **(See Radomsky's figure 1(25), col.4 lines 1-19)**.

With respect to claim 9, Radomsky discloses the system further comprising an infrastructure computer **(See Radomsky's figure 1(25), col.4 lines 1-19)** in communication with the at least one station of said infrastructure **(See Radomsky's figure 1(25), col.4 lines 1-19)** and the database **(See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer)**, said computer having stored information relating to the location of the at least one station **(See**

Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7), and wherein said at least one station is configured to communicate the received unique device identifier to the computer **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57)**, and wherein said computer generates and uploads said association data to the remote database **(See Radomsky's figure 1(25), col.4 lines 1-19)** via the backchannel **(See Radomsky's figure 1(26), col.3 lines 51-57)**

With respect to claim 10, Radomsky discloses the system wherein communication between the at least one station and the portable device is performed via a wireless protocol in which devices are assigned unique identifiers **(See Radomsky's figure 4, col.4 lines 52-56, col.5 lines 12-24, 30-39).**

With respect to claim 16, Radomsky discloses the fixed station of claim 8, comprising means **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57)** for receiving the unique device identifier **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, means for generating the association data and means for uploading said data to a connected computer **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7).**

With respect to claim 15, Radomsky discloses the database of claim 8, storing location tracking information **(See Radomsky's col.2 lines 1-31, figure 2, col.4 lines 1-7)**, the information comprising location data associated with a unique wireless device identifier **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7)**, and wherein the database is

operable to supply said information in response to a request comprising a unique device identifier **(See Radomsky's figure 1(25), col.4 lines 1-19)**. Radomsky discloses everything claimed as applied above to claim 15, except for explicitly reciting the use of time/date stamping incoming data from a device at the fixed station before recording that data into a remote database. In analogous art, Horwitz discloses a communication system for tracking locations wherein incoming data is time/date stamped in order to provide a real time trail **(See Horwitz' s col.10 lines 36-40).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically time stamping incoming location data as taught by Horwitz for the purpose of enabling the system to track locations in real time **(See Horwitz' s col.4 lines 26-9, col.10 lines 36-39).** Further the combination of Radomsky and Horwitz fail to explicitly recite that the incoming data received from a device is time/date stamped at a fixed receiving station. In analogous art, Yacenda discloses that the incoming data received from a device , is time stamped at a fixed station **(figure 2(10))** and then recorded in database **(figure 1(20)).** The incoming data received from device is time stamped at a fixed station for the purpose of enabling locating an individual in real time as taught Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky and Horwitz by specifically performing the time stamping at the fixed station as disclosed by Yacenda, thereby providing a communication system for tracking locations accurately wherein the incoming data from

a device is time/date stamped at a fixed receiving station and then recorded in database, as disclosed by Yacenda **(See Yacenda's figure 19 col.12 lines 58-62 col.13 lines 1-6, figure 21 col. 13 lines 29-33, lines 34-45).**

7. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being anticipated by Radomsky et al. (US 6,574,482) in view of Hurst et al. (US 2004/0198308).

With respect to claim 7, Radomsky discloses the method wherein the supply of the association data is generated **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7).** Radomsky does not specifically disclose that these associated data are supplied in exchange for a fee. In analogous art, Hurst discloses a system where data are exchanged for a fee for the purpose of distributing digital assets **(see Hurst's abstract, section [0002]-[0004], [0006]-[0008] particularly section [0008]).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically combining its transmission of data from portable device with the distribution of data for a fee, as taught by Hurst, thereby providing a communication system wherein data are exchanged for a fee, as disclosed by Hurst **(see Hurst's abstract, section [0002]-[0004], [0006]-[0008] particularly section [0008]).**

With respect to claim 14, Radomsky discloses the system wherein the supply of associated data is generated **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7)**. Radomsky does not specifically disclose that these association data are supplied in exchange for a fee. In analogous art, Hurst discloses a system where data are exchanged for a fee for the purpose of distributing digital assets **(see Hurst's abstract, section [0002]-[0004], [0006]-[0008] particularly section [0008]).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically combining its transmission of data from portable device with the distribution of data for a fee, as taught by Hurst, thereby providing a communication system wherein data are exchanged for a fee, as disclosed by Hurst **(see Hurst's abstract, section [0002]-[0004], [0006]-[0008] particularly section [0008]).**

8. Claims 11, 12, and 17 are rejected under 35 U.S.C. 103(a) as being anticipated by Radomsky et al. (US 6,574,482) in view of Brass et al. (2004/0077309).

With respect to claim 11, Radomsky discloses the system wherein a communication protocol is used **(See Radomsky's figure 4, col.4 lines 52-56, col.5 lines 12-24, 30-39).** Radomsky does not disclose the protocol to be ZigBee protocol. In analogous art, But Brass et al. discloses a use of a ZigBee protocol. ZigBee is the name of a specification for a suite of high level communication protocols using small, low-

power digital radios based on the IEEE 802.15.4 standard **(see Brass's abstract, section [0064], claim 5 and 11 on page 6, claim 17, 23, and 29 on page 7).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically combining its method of transmission of data with the ZigBee Protocol, as taught by Brass, thereby providing a communication system wherein ZigBee protocol is used in order to enable low power communication **(see Brass's abstract, section [0064], claim 5 and 11 on page 6, claim 17, 23, and 29 on page 7).**

With respect to claim 17, Radomsky discloses a portable device having the unique wireless identifier **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, for use with the system of claim 8 in the form of a tag **(See Radomsky's figure 1(20-23), col.3 lines 35-67, figure 15, col.9 lines 25-53 where use of radio is disclosed).** Radomsky does not disclose the radio module to be ZigBee radio module. In analogous art, But Brass et al. discloses a use of a ZigBee protocol. ZigBee is the name of a specification for a suite of high level communication protocols using small, low-power digital radios based on the IEEE 802.15.4 standard **(see Brass's abstract, section [0064], claim 5 and 11 on page 6, claim 17, 23, and 29 on page 7).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically combining its method of transmission of data with the ZigBee Protocol, as taught by Brass, thereby providing a communication system wherein ZigBee protocol is used in order to enable

low power communication **(see Brass's abstract, section [0064], claim 5 and 11 on page 6, claim 17, 23, and 29 on page 7).**

With respect to claim 12, Radomsky discloses the system wherein a communication protocol is used **(See Radomsky's figure 4, col.4 lines 52-56, col.5 lines 12-24, 30-39).** Radomsky does not disclose the protocol to be Bluetooth protocol. In analogous art, But Brass et al. discloses a use of a ZigBee protocol. ZigBee is the name of a specification for a suite of high level communication protocols using small, low-power digital radios based on the IEEE 802.15.4 standard **(see Brass's abstract, section [0064], claim 5 and 11 on page 6, claim 17, 23, and 29 on page 7).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically combining its method of transmission of data with the ZigBee Protocol, as taught by Brass, thereby providing a communication system wherein ZigBee protocol is used in order to enable low power communication **(see Brass's abstract, section [0064], claim 5 and 11 on page 6, claim 17, 23, and 29 on page 7).**

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radomsky et al. (US 6,574,482) in view of McKee et al. (US 6915135).

With respect to claim 18 and 19, Radomsky discloses the system and method wherein a communication protocol and signals are used **(See Radomsky's figure 4, col.4 lines 52-56, col.5 lines 12-24, 30-39).** Radomsky does not disclose the data comprises a pattern of detection of portable device. In analogous art, McKee et al. discloses a method and system of detecting a pattern of detection of portable device **(See McKee's col.4 lines 13-38, col.6 lines 7-35).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radomsky by specifically incorporating functionality of detecting a pattern of coming and leaving within a range in order to unobtrusively monitor an object, as taught by McKee et al.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAYED T. ZEWARI whose telephone number is (571)272-6851. The examiner can normally be reached on 8:30-4:30.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/

Examiner, Art Unit 2617

February 19, 2009

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617